

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOHN F. RICHARDS,  
Plaintiff

VS.

MASSACHUSETTS DEPARTMENT OF  
CORRECTION; UMASS CORRECTIONAL  
MEDICAL SERVICES; KATHLEEN  
DENNEHY, COMMISSIONER; CAROL  
MICI, ACTING SUPERINTENDENT;  
MASSACHUSETTS BOARD OF  
REGISTRATION (IN MEDICINE);  
M.L. ANGELES, MEDICAL DOCTOR;  
KHALID MOHAMED, MEDICAL  
DOCTOR; DR. CHILDS, MEDICAL  
DOCTOR; ASMA AHMED, NURSE  
PRACTITIONER; and JANE DOE NO. 1,  
PHYSICAL THERAPIST,  
Defendants

CIVIL ACTION NO. 04-CV-10291-RWZ

**ANSWER OF DEFENDANT, UMASS CORRECTIONAL  
HEALTH PROGRAM, TO PLAINTIFF'S COMPLAINT**

**FIRST DEFENSE**

The plaintiff's Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

The defendant states that it is misnamed in the plaintiff's Complaint.

**THIRD DEFENSE**

The defendant responds to the allegations contained in the plaintiff's Complaint, paragraph by paragraph, as follows:

1. To the extent the allegations in this paragraph of the plaintiff's Complaint are intended to apply to this defendant, they are denied.
2. The defendant makes no response to this paragraph of the plaintiff's Complaint as this paragraph does not pertain to this defendant.

3. This defendant is misnamed in this paragraph of the plaintiff's Complaint. To the extent the allegations in this paragraph of the plaintiff's Complaint are intended to apply to this defendant, they are denied.

4. The defendant makes no response to this paragraph of the plaintiff's Complaint as this paragraph does not pertain to this defendant.

5. The defendant makes no response to this paragraph of the plaintiff's Complaint as this paragraph does not pertain to this defendant.

6. The defendant makes no response to this paragraph of the plaintiff's Complaint as this paragraph does not pertain to this defendant.

7. The defendant makes no response to this paragraph of the plaintiff's Complaint as this paragraph does not pertain to this defendant.

8. The defendant makes no response to this paragraph of the plaintiff's Complaint as this paragraph does not pertain to this defendant.

9. The defendant makes no response to this paragraph of the plaintiff's Complaint as this paragraph does not pertain to this defendant.

10. The defendant makes no response to this paragraph of the plaintiff's Complaint as this paragraph does not pertain to this defendant.

11. The defendant makes no response to this paragraph of the plaintiff's Complaint as this paragraph does not pertain to this defendant.

12. To the extent the allegations in this paragraph of the plaintiff's Complaint are intended to apply to this defendant, they are denied.

13. To the extent the allegations in this paragraph of the plaintiff's Complaint are intended to apply to this defendant, they are denied.

14. To the extent the allegations in this paragraph of the plaintiff's Complaint are intended to apply to this defendant, they are denied.

15. To the extent the allegations in this paragraph of the plaintiff's Complaint are intended to apply to this defendant, they are denied.

16. To the extent the allegations in this paragraph of the plaintiff's Complaint are intended to apply to this defendant, they are denied.

17. To the extent the allegations in this paragraph of the plaintiff's Complaint are intended to apply to this defendant, they are denied.

18. To the extent the allegations in this paragraph of the plaintiff's Complaint are intended to apply to this defendant, they are denied.

19. The defendant denies that the plaintiff is entitled to the relief he seeks.

20. The defendant denies that the plaintiff is entitled to the relief he seeks.

21. The defendant denies that the plaintiff is entitled to the relief he seeks.

22. The defendant denies that the plaintiff is entitled to the relief he seeks.

#### **FOURTH DEFENSE**

The defendant denies that the plaintiff is entitled to any of the relief requested in his Complaint.

#### **FIFTH DEFENSE**

By way of affirmative defense, the defendant says that if the plaintiff suffered injuries or damage, as alleged, such injuries or damage were caused by someone for whose conduct this defendant was not and is not legally responsible.

#### **SIXTH DEFENSE**

By way of affirmative defense, the defendant says that the action is barred by the applicable statute of limitations.

#### **SEVENTH DEFENSE**

By way of affirmative defense, the defendant says that the action should be dismissed because of lack of jurisdiction over the defendant.

**EIGHTH DEFENSE**

By way of affirmative defense, the defendant says that the plaintiff, by his conduct and actions and/or the conduct and actions of his agents and servants, is estopped to recover any judgment against the defendant.

**NINTH DEFENSE**

By way of affirmative defense, the defendant says that the plaintiff, by his conduct and actions and/or the conduct and actions of his agents and servants, has waived any and all rights he may have had against the defendant, and, therefore, the plaintiff cannot recover in this action.

**TENTH DEFENSE**

By way of affirmative defense, the defendant says that the plaintiff consented to the defendant's alleged conduct, acts and statements and, therefore, the plaintiff cannot recover.

**ELEVENTH DEFENSE**

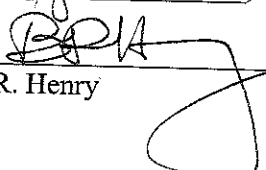
By way of affirmative defense, the defendant says that it is protected from liability by a qualified immunity for any of the matters raised in the plaintiff's Complaint.

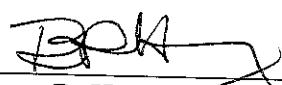
**THE DEFENDANT DEMANDS A TRIAL BY JURY ON ALL ISSUES.**

The Defendant,  
UMASS CORRECTIONAL  
HEALTH PROGRAM  
By its attorneys,

MORRISON, MAHONEY & MILLER, LLP

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on the 5th day of April, 2004.

  
\_\_\_\_\_  
Bruce R. Henry

  
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April 5, 2004

Civil Clerk  
United States District Court  
One Courthouse Way  
Boston, MA 02210

Re: John F. Richards  
Vs. Massachusetts Department of Correction, et al.  
Civil Action No. 04-CV-10291-RWZ  
Our File No. 10014107

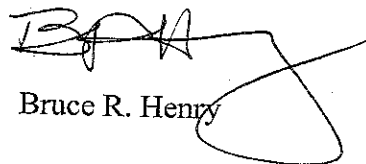
Dear Sir/Madam:

Enclosed please find the following:

1. Answer of Defendant, UMass Correctional Health Program, to Plaintiff's Complaint; and
2. Jury Claim.

Kindly docket and file.

Very truly yours,



Bruce R. Henry

BRH/anl

Enclosures

cc: Mr. John F. Richards  
Jody T. Adams, Esq.